

REMARKS

In response to the Office Action mailed January 6, 2009, Applicant respectfully requests reconsideration. Claims 1-4 and 6-20 were previously pending in this application. Claim 9 has been amended herein. As a result, claims 1-4 and 6-20 remain pending for examination with claims 1, 4, and 9 being independent. No new matter has been added.

Rejections under 35 U.S.C. § 112

The Office Action rejects claims 1-4 and 6-8 under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite. In particular, the Office Action states that the claims are indefinite because it is unclear under what condition a segment is classified as a “segment containing a message start,” when “a segment [. . .] representing the start and the end of the digital message is classified as a message end.” Applicant respectfully disagrees.

Claim 1 recites, “each segment of the successive segments being classified according to at least one of the five following types of segments:

- segment containing a message start;
- segment containing intermediary data;
- segment containing and packet and;
- segment containing a message and; or
- empty segment.”

Applicant respectfully submits that the listing of classifications in claim 1 is clear and unambiguous. One of ordinary skill in the art would have no difficulty understanding this limitation, even if the claim does not explicitly recite the condition(s) under which each segment is classified as one of the five types in the list. Therefore, claim 1 satisfies the requirement set forth in 35 U.S.C. § 112, second paragraph.

Although not required to overcome the rejection, Applicant respectfully points out that classifying a segment representing both the start and the end of a message as a message end does not preclude classifying other segments as a message start. As an example, a segment representing the start of a message, but not the end of the message, may be classified as a message start. However, this is merely an example and the claimed invention is not limited to this particular manner in which the segments are classified.

Rejections Under 35 U.S.C. § 103

The Office Action rejects claims 1-4 and 6-8 under 36 U.S.C. § 103(a) as purportedly being unpatentable over Nexus ("Standard for a Global Embedded Processor Debug Interface," IEEE-ISTO) in view of Petersen (U.S. Patent No. 5,822,321) and Ho (U.S. Patent Publication No. 2003/0169769). The Office Action further rejects claims 9, 10 and 14-17 under 36 U.S.C. § 103(a) as purportedly being unpatentable over Nexus in view of Walker (U.S. Patent Publication No. 2003/0091056). The Office Action further rejects claims 11-13 and 18-20 under 36 U.S.C. § 103(a) as purportedly being unpatentable over Nexus in view of Walker and further in view of Petersen. Applicant respectfully traverses each of these rejections.

Claim 1 recites, "digital messages each comprising at least one data packet," "for each message of the digital messages, dividing each data packet of a digital message into successive segments," and "a segment of the successive segments representing the start of the digital message and the end of a first packet of the digital message is classified as a packet end." At page 6, the Office Action appears to assert that Ho discloses the last limitation in paragraph 0044 and in FIG. 6. Applicant respectfully disagrees.

Ho relates to a method for aggregating and allocating data frames (Ho: Abstract). Referring to FIG. 6 of Ho, the frame 120 comprises a plurality of frame subbodies 132. Each subbody 132 contains a Medium Access Control protocol data units (MSDUs) or a fragment of an MSDU (Ho: paragraph 0041). Each subbody 132 has a sequence control field 128 which stores a unique sequence number assigned to the MSDU carried by the subbody 132. (Ho: FIG. 6 and paragraph 44). The sequence control field 128 may also include a fragment number assigned to the fragment of the MSDU carried by the subbody 132, if the subbody 132 contains a fragment of the MSDU rather than the complete MSDU (Ho: FIG. 6 and paragraph 0044).

Thus, paragraph 0044 of Ho relates to assigning sequence numbers to MSDUs and fragment numbers to fragments of an MSDU. There is no classification of message segments as recited in claim 1. Particularly, Ho fails to disclose or suggest classifying a segment "as being a segment containing a packet end."

In fact, the Office Action appears to interpret MSDUs in Ho as "digital messages" and a fragment of an MSDU as a "data packet." Nowhere does Ho disclose or suggest that a fragment of an MSDU may span more than one frame subbody 132. Therefore, there is no need in Ho to classify any frame subbody 132 as "a packet end."

For at least these reasons, claim 1 patentably distinguishes over the alleged combination of the references, and withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 2, 3 and 8 depend from claim 1 and are allowable for at least the same reasons. Accordingly, withdrawal of the rejections of these claims under 35 U.S.C. § 103(a) is respectfully requested.

II. Claim 4

Claim 4 recites, “the means for dividing each packet [. . .] classifies a segment of the successive segments representing the start of the digital message and the end a first packet of the digital message as being a packet end.” As should be clear from the foregoing, the cited references, even if combined, fail to disclose or suggest this limitation. Accordingly, withdrawal of the rejection of claim 4 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 6 and 7 depend from claim 4 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

III. Claim 9

Without acceding to the propriety of the rejection of claim 9, Applicant has herein amended claim 9 to recite, “the first segment is classified as either an empty segment or a message end and the second segment is classified as a packet end.” None of the cited references discloses or suggests this limitation. At page 17, the Office Action appears to assert that Peterson discloses this limitation in column 3. Applicant respectfully disagrees.

Peterson relates to a method for segmenting and reassembling user data packets in the asynchronous transfer mode (ATM) (Peterson: Abstract). Each user data packet whose length exceeds a predefined maximum is segmented and carried in minicells (Peterson: column 3, lines 26-44). These minicells are in turn carried by ATM cells with the possibility that one ATM cell carries multiple minicells (Peterson: FIG. 4b and column 3, lines 41-44).

The Office Action appears to interpret ATM cells as “segments,” minicells as “packets,” and user packets as “messages”. However, Peterson does not describe classifying ATM cells which the Examiner considers to be segments. Instead, Peterson describes classifying a minicell

as a “first segment,” “middle segment,” or “last segment” of a user packet (Peterson: column 4, lines 25-33). Even if it were proper to interpret the “last segment” classification of Ho as a “message end,” Ho fails to disclose or suggest a classification of “packet end” that is distinct from “message end.”

Therefore, claim 9, as amended, patentably distinguishes over the alleged combination of the cited references. Accordingly, withdrawal of the rejection of claim 9 under 35 U.S.C. § 103(a) is respectfully requested. Claims 10-20 depend from claim 9 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims under 35 U.S.C. § 103(a) be withdrawn.

General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the further distinguishing features of all of the dependent claims. However, Applicant does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does Applicant concur that the basis for rejection of any of the dependent claims is proper. Therefore, Applicant reserves the right to specifically address in the future the further patentability of the dependent claims not specifically addressed herein.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70068US00.

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Respectfully submitted,

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